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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,026	04/12/2000	Steen M. Matzen	196-1203	5394

7590 09/30/2002

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EXAMINER

DICKENS, CHARLENE

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Office Action Summary	Application No. <u>09/548,026</u>	Applicant(s) <u>Matzen</u>
	Examiner <u>Dickens</u>	Group Art Unit <u>2855</u>

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 7-31-02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 18-31 & 33-35 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 18-31 & 33-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

Office Action Summary

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-31 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaertner (US Pat 4,784,000) in view of Shauger et al. Gaertner teaches an electromagnetic flowmeter arrangement having a measuring tube 13, a coil arrangement 17 for generating a magnetic field substantially perpendicular to the direction of flow through the measuring tube (col. 4, lines 10-16, an electrode arrangement 21 substantially perpendicular to the direction of flow and to the magnetic field (col. 4, lines 16-18), a supply system 19 for the coil arrangement which has a current direction change-over arrangement 25, and a counter 61 and amplifier 71; determining, which, after a change-over of the current direction, at least one parameter of the rise in the current in the coil arrangement and compares the parameter with a given value and a checking unit which checks to see if the time ascertained differs by more than a predetermined difference from a given value (col. 7, lines 1-5 and col. 9, lines 3-45). However, Gaertner does not specifically disclose a comparator as a testing device. Shauger et al. disclose a comparator as a

testing device 40 for the purpose of providing an electromagnetic flowmeter which is capable of accurately measuring the flow rate of fluid independently of changes in fluid conductivity, viscosity and density. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a comparator as a testing device in Gaertner as taught by Shauger et al. for the purpose of providing an electromagnetic flowmeter which is capable of accurately measuring the flow rate of fluid independently of changes in fluid conductivity, viscosity and density. The steps in the claimed method of claims 18-27 are deemed to be clearly obvious by the functions of the structure of the apparatus discussed above.


3. Applicant's arguments with respect to all the pending claims have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this or earlier communications from the examiner should be directed to Charlene Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be


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Art Unit: 2855

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directed to the Technology Center's receptionist whose telephone number is (703) 308-1782. The fax numbers for the Center are (703) 305-3431 and (703) 305-3432.



cd/dickens
March 17, 2002



William Oen
Primary Examiner